

THEOR 205.1 US (10107436)REMARKS

In light of the above-amendment and remarks to follow, reconsideration and allowance of this application are requested.

Claims 1-18 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,167,564 (Fontana et al.). Applicant respectfully traverses this rejection.

Fontana et al. relates to a system for tracing "the influence of an action of one tool on other tools." (col. 3, lines 42-43; see also col. 11, line 31 to col. 12, line 32) This enables the system to integrate various existing software tools into "a coherent development framework in lieu of developing new tools." (col. 3, lines 37-40; see also col. 3, lines 1-17) Contrary to the Examiner's assertion, Fontana et al. does not teach or suggest "a method for developing an Enterprise JavaBean (EJB) component," as called for in all of the claims of the present invention. Applicant respectfully submits that the Examiner cannot use hindsight gleaned from the present invention to reconstruct or modify the prior art reference to render claims unpatentable. In fact, applicant kindly requests the Examiner to cite passage(s) in Fontana et al. where it teaches EJB components or Smart Components. Applicant's representative respectfully submit that based on our good-faith review of Fontana et al., we found no instances of such terms.

Additionally, contrary to the Examiner's assertion, Fontana et al. does not teach or suggest the step of "analyzing a business domain to determine functional requirements of said business domain," as required in claim 1. In fact, Fig. 7 and col. 10, lines 6-22 in Fontana et al., cited by the Examiner merely describes that Fig. 7 is "a block diagram of the execution-time architecture of the present invention." It is appreciated that one of ordinary skill in the art would not equate "execution-time architecture" with "analyzing a business domain to determine functional requirements of said business domain." The Examiner cannot reconstruct the prior art reference such that it contradicts the clear teaching of the reference.

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Further, contrary to the Examiner's assertion, Fontana et al. does not teach or suggest the step of "transforming said functional requirements into an EJB component model," required in claim 1. In fact, col. 3, lines 24-30 in Fontana et al., cited by the Examiner, merely describes that "Another object of the present invention is to provide a system that allows a user to develop business process applications with the use of heterogeneous tools." It is respectfully submitted that Fontana et al. is merely describing the use of heterogeneous tools to develop business process applications and Fontana et al. is not teaching or suggesting the step of "transforming said functional requirements into an EJB component model," as called for in claim 1. It is well established that the Examiner cannot use hindsight gleaned from the present invention to modify or reconstruct the prior art reference to render claims unpatentable.

Furthermore, contrary to the Examiner's assertion, Fontana et al. does not teach or suggest the step of "building an EJB component in accordance with said EJB component model that encompass the business functionality of said business domain," as required in claim 1. In fact, col. 12, lines 28-32 in Fontana et al., cited by the Examiner,, merely describes "means for recovering a first previously built domain model from a second heterogeneous environment and linking it to a second newly developed business model in said repository." It is respectfully submitted that Fontana et al. is merely describing their system for tracing "the influence of an action of one tool on other tools." (see col. 3, lines 42-43) and Fontana et al. is not teaching or suggesting the step of "building an EJB component in accordance with said EJB component model that encompass the business functionality of said business domain," as called for in claim 1. It is well established that the Examiner cannot use hindsight gleaned from the present invention to modify or reconstruct the prior art reference to render claims unpatentable.

It is respectfully submitted that Fontana et al. does not teach or suggest any of the claimed steps of claim 1. Accordingly, it is unclear to applicant how Fontana et al. anticipates the present invention as alleged by the Examiner.

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Of course, a rejection based on 35 U.S.C. §102 as the present case, requires that the cited reference disclose each and every element covered by the claim. Here, Fontana et al. does not teach or suggest any of the claim steps of claim 1. *Electro Medical Systems S.A. v. Cooper Life Sciences Inc.*, 32 U.S.P.Q.2d 1017, 1019 (Fed. Cir. 1994); *Lewmar Marine Inc. v. Barient Inc.*, 3 U.S.P.Q.2d 1766, 1767-68 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988); *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2D 1051, 1053 (Fed. Cir.), *cert. denied*, 484 U.S. 827 (1987). The Federal Circuit has mandated that 35 U.S.C. 102 requires no less than "complete anticipation ... [a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim." *Connell v. Sears, Roebuck & Co.*, 772 F.2d 1542, 1548, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); *See also, Electro Medical Systems*, 32 U.S.P.Q. 2d at 1019; *Verdegaal Bros.*, 814 F.2d at 631.

Therefore, since Fontana et al. fails to teach or suggest any of the claimed steps of claim 1, it follows that, contrary to the Examiner's assertion, Fontana does not anticipate or render obvious claim 1, or any of claims 2-18.

Moreover, contrary to the Examiner's assertion, Fontana et al. does not teach or suggest the following additional elements taught by dependent claims 2, 3, 5-8, and 10-18:

- Claim 2: Fontana et al. does not teach or suggest providing a parallel development process.
- Claim 3: Fontana et al. does not teach or suggest extensible and configurable EJB components.
- Claim 5: Fontana et al. does not teach or suggest EJB component model which encapsulates the data and process model of the said business domain.
- Claim 6: Fontana et al. does not teach or suggest generating a list of inputs wherein each input identifies a resource relating to the business domain.

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- Claim 7: Fontana et al. does not teach or suggest generating eFunction matrix from a list of inputs.
- Claim 8: Fontana et al. does not teach or suggest transforming the functional requirements using a unified modeling language (UML) tool to generate the EJB component model.
- Claim 10: Fontana et al. does not teach or suggest building the EJB component from at least one of the following class stereotypes: Belonging, Session, Entity, Configurable Entity, Business Policy and Workflow.
- Claim 11: Fontana et al. does not teach or suggest mapping eXtensible Markup Language (XML) to the EJB component model.
- Claim 12: Fontana et al. does not teach or suggest dividing the business domain into one or more sub-domains, determining functional requirements for each of the sub-domains; and transforming each of the functional requirements for the sub-domains into the EJB component model.
- Claim 13: Fontana et al. does not teach or suggest generating relational mappings and deployment descriptors.
- Claim 14: Fontana et al. does not teach or suggest generating end-user documentation, developing unit tests to test the EJB component, and generating a reference implementation of the EJB component.
- Claim 15: Fontana et al. does not teach or suggest verifying the end-user documentation to the EJB component.
- Claim 16: Fontana et al. does not teach or suggest packaging the EJB component for deployment with container managed persistence.
- Claim 17: Fontana et al. does not teach or suggest a Smart component having at least one of following Smart feature: SmartKey, SmartHandle and SmartValue.

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Claim 18: Fontana et al. does not teach or suggest an eBusiness Smart component.

On the basis of the above amendment and remarks, reconsideration and allowance of claims 1-18 are respectfully requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0624, under Order No. NY-THEOR 205.1 (10107436) from which the undersigned is authorized to draw.

Respectfully submitted,

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